

Message

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Subject: News Clips - 20 June 2018

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Pruitt's Okla. first to get EPA disposal program approval

By Sean Reilly, 6/19/18

Oklahoma has become the first state to gain EPA approval to run its own coal ash disposal permitting program, a development immediately cheered by electric power producers and slammed by environmental groups.

The final decision, announced late yesterday, came as no surprise, given that EPA had already granted preliminary approval to Oklahoma's application in January (Greenwire, Jan. 12).

While the state's requirements for coal ash storage ponds and landfills differ from the federal standards in two main particulars, they are "at least as protective," according to the notice signed by EPA Administrator Scott Pruitt.

"This historic announcement places oversight of coal ash disposal into the hands of those who are best positioned to oversee coal ash management: the officials who have intimate knowledge of the facilities and the environment in their state," Pruitt, who previously served as Oklahoma attorney general, said in a news release.

Also welcoming EPA's approval were Scott Thompson, executive director of the Oklahoma Department of Environmental Quality (ODEQ), and Kirk Johnson, top lobbyist for the National Rural Electric Cooperative Association.

"We hope this will be the first of many more state program approvals," Johnson said in the same EPA release.

Among environmental groups, the reaction was dismay and questions about whether Oklahoma regulators are capable of handling the added responsibility.

In recent years, the Oklahoma Legislature has repeatedly cut ODEQ's budget, Mark Derichsweiler, a retired engineering manager for the agency who is now vice chairman of the state's Sierra Club chapter, said in a phone interview this morning.

"There's a real concern that they don't have the resources," he said, "even if there was the will do an adequate job of oversight."

An Earthjustice attorney quickly promised a lawsuit challenging EPA's decision. Together with other environmental groups, Earthjustice also released an analysis showing that groundwater around four coal ash disposal sites in the state contains boron and other toxic contaminants.

The pollution "is proof that state officials are not holding coal plant operators accountable to the people of Oklahoma," Earl Hatley, another activist who serves as "riverkeeper" for the Grand River in northeastern Oklahoma, said in a statement.

In an email to E&E News, Erin Hatfield, a spokeswoman for the Oklahoma Department of Environmental Quality, responded that EPA's handling of the state's application was a sign of confidence.

The department's "mission has been, and will continue to be, to operate our program with the highest standards and uphold our mission to be protective of public health and the environment," Hatfield said.

Coal ash, the residue generated by coal-fired power plants, ranks among the nation's largest waste streams. While EPA officially labeled it as nonhazardous under landmark 2015 regulations, the agency has acknowledged that arsenic and other toxics have leached out of disposal sites at levels high enough to warrant concern.

Four years ago, a spill at a Duke Energy Corp. facility dumped tens of thousands of tons of coal ash in North Carolina's Dan River.

Under EPA's 2015 regulations, the main enforcement mechanism is citizen lawsuits. With prodding from the utility industry, Congress authorized EPA the following year to allow states to create their own permitting programs, partly on the grounds that it would foster greater regulatory certainty while maintaining the same level of protection.

Although Pruitt has encouraged states to take advantage of that option, the response has so far been sluggish. Agency staffers have confirmed that Georgia is also pursuing an application; other states reportedly planning to apply are Texas, Alabama, Missouri and Indiana, according to environmental groups.

Daily Caller

<http://dailycaller.com/2018/06/19/trumps-epa-lets-oklahoma-regulate-ash-disposal/>

TRUMP'S EPA LETS OKLAHOMA BECOME FIRST STATE TO REGULATE COAL ASH DISPOSAL

By Jason Hopkins, 6/19/18, 3:17 PM

The Environmental Protection Agency is allowing Oklahoma to operate a program for coal ash disposal, marking the first time the federal government has granted a state oversight authority in managing toxic ash disposal from coal plants.

The EPA approved Oklahoma's application to manage a permit program for the disposal of coal combustion residuals on Monday, more commonly referred to as coal ash. The unprecedented move makes Oklahoma the first state in the U.S. to be given the authority to oversee the disposal of coal ash, a responsibility historically given to the federal government.

"This historic announcement places oversight of coal ash disposal into the hands of those who are best positioned to oversee coal ash management: the officials who have intimate knowledge of the facilities and the environment in their state," EPA Administrator Scott Pruitt said in a statement Monday. "Oklahoma is leading the way for other states to establish state coal ash permit programs, and EPA stands ready to work with each and every state to improve coal ash management."

Before becoming the chief of the EPA, Pruitt, a Republican, served as attorney general of Oklahoma.

The move, however, hasn't come without controversy. Coal ash is the residue that's left over when plants burn coal to generate electricity. The proper disposal of this residue is tightly managed so as to not allow toxic chemicals be released into the outside environment. Climate change advocates and other environmentalist groups have long called for oversight of this process to remain in the federal government's hands. (RELATED: Study: Arizona 'Clean Energy' Initiative Won't Even Help The Environment)

The “industry has asked for leniency, less stringency. That’s the direction they’re going,” said Lisa Evans, an attorney for environmental nonprofit Earthjustice, adding that the states involved have demonstrated “they don’t care about the health and safety of communities near coal ash dumps,” according to the Associated Press.

Many in the industry, however, have celebrated the EPA’s decision, arguing that oversight is best left to the individuals who are in the best position to manage the process.

“The EPA approval of each state’s ability to develop an EPA approved plan to deal with environmental issues makes much more sense than the ‘one plan fits all’ approach of the past. The State of Oklahoma and individual utilities have worked closely in the past to solve difficult environmental issues that benefited all citizens of the state and with this progressive step, that work can continue,” Western Farmers Electric Cooperative CEO Gary Roulet said in a Monday statement.

Other states might be soon following Oklahoma’s example. Georgia has submitted an application of its own to operate a state-run program, and Texas officials are also moving in the same direction.

The Hill

<http://thehill.com/policy/energy-environment/393044-colorado-adopts-californias-stricter-vehicle-emissions-standard>

Colorado joins states adopting stricter vehicle emissions standard

By Miranda Green, 6/19/18, 2:04 PM

Colorado announced Tuesday it will join a number of states that have moved to implement heightened vehicle emissions standards as the Environmental Protection Agency (EPA) mulls changing laws to weaken federal regulations.

The decision by the state's Gov. John Hickenlooper (D) will add Colorado to a list of 12 states, including California, that have adopted stronger tailpipe emission regulations in an effort to combat climate change.

"Colorado has a choice. This executive order calls for the state to adopt air quality standards that will protect our quality of life in Colorado," Hickenlooper said in a statement. "Low emissions vehicles are increasingly popular with consumers and are better for our air. Every move we make to safeguard our environment is a move in the right direction."

The executive order comes as the EPA is working on a new rule to replace the Obama-era policy that allowed states to set stronger standards, arguing that the current regulations are too stringent and unattainable for car companies.

EPA Administrator Scott Pruitt in April announced the agency's plans to change the policy.

"It is very right for us to be here to recognize that what was done in 2011 and 2012, as we evaluate now, is not appropriate going forward and we’re going to get it right," he said at the time at the agency's headquarters.

The EPA has not yet announced its proposed rule, but many expect a draft to be released sometime this summer.

California has led the fight against the EPA's proposed changes to the Obama-era rule, arguing that lowering standards will adversely affect the state's air quality and harm its economy.

California Attorney General Xavier Becerra (D) filed a lawsuit in May along with the attorneys general of 16 other states against the Trump administration over the policy announcement.

"The evidence is irrefutable: today’s clean car standards are achievable, science-based and a boon for hardworking American families. But the EPA and Administrator Scott Pruitt refuse to do their job and enforce these standards," Becerra said in a statement.

E&E Daily

<https://www.eenews.net/eedaily/stories/1060085031/search?keyword=EPA>

Ethanol boosters kicking Pruitt while he's down

By Nick Bowlin, 6/19/18

Buffeted by reports of opulent spending and misuse of power, Scott Pruitt left Washington, D.C., last week for an agriculture tour touting his support for farmers.

The EPA chief found little reprieve in the Corn Belt.

Farmers and agriculture groups are furious at his agency's actions on the renewable fuel standard, which requires blending biofuels into the nation's gasoline supply.

Both critics and supporters of Pruitt are wondering whether he will either quit or be fired, and being in the middle of a fight over the RFS has shaken his standing with would-be allies.

Pruitt's EPA has provided several small refiners waivers for renewable fuel credits. Oil groups say the new administration is following the law and compensating for an overly stingy Obama-era EPA.

The agency also gave waivers to three of energy giant Andeavor's smallest refineries. It was the first exemption for a company of Andeavor's size. Renewable fuel credit prices hit five-year lows in late May.

With Pruitt on their turf, ethanol advocates let fly.

In Kansas, the chairman of the Anderson County Republican Committee called him "a dead man walking," and the CEO of the Renewable Fuels Association, Bob Dinneen, wrote a blog post wondering whether Pruitt's trip was "anything more than a hollow good will tour to deflect attention from his anti-ethanol policy."

Growth Energy, the top ethanol industry trade group, launched a sustained online ad barrage that tracked Pruitt's swing through corn-reliant states, according to social media ad data.

"Welcome to Nebraska, Scott Pruitt — will you finally choose farm families over Big Oil?" read one Facebook ad. The accompanying image opposed a three-generation farm family against an oil refinery. The same ad ran in Iowa and South Dakota.

Former Sens. Byron Dorgan (D-N.D.) and Jim Talent (R-Mo.) — both of whom helped implement the RFS — called on Pruitt to halt waivers to big oil refiners, according to a release by the National Biodiesel Board.

Outside spending groups have also waded in to slam Pruitt.

American Future Fund, a dark-money outfit that was once part of the Koch network, debuted a television ad accusing Pruitt of "embarrassing" President Trump with near-weekly scandals.

As a 501(c)(4) group, or a political nonprofit, AFF does not disclose its donors, but The New York Times reported in 2010 that the group began with a large contribution from Bruce Rastetter, a co-founder and former chief executive of Hawkeye Energy Holdings LLC, one of the largest ethanol producers in the nation.

Rastetter, once a board member at Growth Energy, is one of the most powerful agriculture industry advocates in the GOP. He supported the president's 2016 run, served on the campaign's agriculture committee and was seen as a possible administration appointee during the transition.

Industry made sure to prop up its friends.

Digital ads from Growth Energy thanked Agriculture Secretary Sonny Perdue and Republican Iowa Sens. Joni Ernst and Chuck Grassley for supporting year-round sales of 15 percent ethanol fuel, which EPA restricts in summer months. The ongoing campaign was seen between 10,000 and 50,000 times, according to online ad data.

Ernst and Grassley, the leading RFS proponents in Congress, have been tough on Pruitt in recent weeks. Grassley said he would call for Pruitt's resignation if EPA continues granting the refinery waivers.

In a June 6 call with reporters, the senator said Pruitt misled senators during the confirmation process by suggesting he'd support ethanol.

"I know he's had meetings with Democratic senators saying he's pro-ethanol," Grassley said. "But all the actions are contrary. He's hoodwinked all of us who believed him" (E&E News PM, June 6).

Like many of his actions in office, Pruitt's moves on biofuel credits look to benefit the oil industry, but they run up against promises by Trump. On the campaign trail in 2016 and in the White House, Trump has repeated support for corn farmers.

Ethanol backers are careful not to hit Trump in their volleys at Pruitt, framing the EPA chief as the problem, not his boss.

In April, the president promised to allow 15 percent ethanol all year, but no policy changes followed.

Midwestern Democrats in red states are eager to leverage Pruitt's support for oil and gas at ethanol's expense, a chance to hit the administration.

The North Dakota Democratic Party accused Rep. Kevin Cramer, a Republican Senate nominee, of "failing" the state for his role on the Republican Study Committee, which opposes ethanol subsidies. Cramer faces Democrat Sen. Heidi Heitkamp in one of the midterm's most consequential Senate contests.

Nebraska Democratic Senate nominee Jane Raybould began anti-Pruitt ads on June 4 that ran through his visit last weekend.

In Iowa, meanwhile, Democratic Rep. Dave Loebsack's campaign page blamed Pruitt for "policies that prioritize Big Oil" and hurt farmers.

State Rep. Abby Finkenauer (D), a top party recruit in the competitive 1st District, did not call out Pruitt by name but referenced "shady backroom deals that would harm our renewable energy industry."

E&E Climatewire

<https://www.eenews.net/climatewire/2018/06/20/stories/1060085169>

Enviros love to hate Scott Pruitt

By Zack Colman, 6/20/18

Scott Pruitt's critics are calling for his ouster, but in the meantime, he's become a useful punching bag.

Environmental groups and other foes of the Trump administration have piled on criticisms as the embattled EPA boss's job security has grown increasingly tenuous. Some organizations have even launched a campaign titled "Boot Pruitt," aimed at ejecting the administrator from the agency's top slot.

Meanwhile, some Pruitt antagonists say he's a clumsy regulator whose work the courts and even the White House have rejected for being sloppy, incomplete or illegal, which could make his policies easier to overturn later. Some GOP lawmakers are anxious that the attention on Pruitt's bizarre scandals could sacrifice President Trump's environmental agenda or cost the Republican Party in tight midterm races — outcomes the left would welcome. And environmentalists acknowledge that whoever replaces Pruitt would push a similar policy agenda that, by and large, has been supported by the broader GOP base.

So the question now facing those organizations is how to avoid a Pyrrhic victory should Pruitt actually resign. Would they be better off just leaving him there?

"That's a good question, and it's open-ended," said Sally Hardin, a research analyst with the liberal Center for American Progress Action Fund.

Hardin said the narrative that Pruitt is a master destroyer of President Obama's environmental and climate legacy is incorrect, given the various court reversals of EPA moves.

"I would hope he stays on at least through the November elections," John O'Grady, president of the American Federation of Government Employees Council 238, said of Pruitt.

Ire toward Pruitt — and to Trump's environmental agenda more broadly — has galvanized the green base.

The League of Conservation Voters, perhaps the movement's heavyweight when it comes to political races, has nearly surpassed the \$8.3 million it raised in 2016 for its GiveGreen fund, which supports pro-environment candidates. It's only June. The group's annual gala, held this month, attracted record attendance.

The EPA chief also is playing into electoral strategy for the November midterms. LCV and the Sierra Club each is conducting its own polls to see how people respond to Pruitt.

Environmental groups emphasized that they're worried about the long-term damage Pruitt's presence brings to the agency. They say no political outcomes can justify the message sent by his persistence amid a bevy of ethical missteps that would sink almost any other political official.

If the EPA boss steps down or gets fired, the person most likely to replace him — at least in the short term — is his deputy administrator, Andrew Wheeler. He's a former staffer of climate skeptic Sen. Jim Inhofe (R-Okla.) and an ex-lobbyist for coal company Murray Energy Corp.

"Somebody like Andrew Wheeler, if he were to take over, he is very knowledgeable about the EPA and how to get things done, and I think he could do a very good job of ruining the agency himself," O'Grady said.

Pruitt for months was pushing policies that environmental groups opposed. But public attention and GOP reticence began spiking largely when Pruitt's seemingly bottomless trove of controversies emerged. Little of that had to do with policy.

Still, environmental groups say they'll be able to keep pressure on the Trump EPA even in a post-Pruitt world. But they're aware that some people might think the battle is over if Pruitt is out of the picture.

"We're going to have to keep a really close eye on Wheeler now," Hardin said. "He's not any different than Pruitt. ... Boot Pruitt was a great name for a coalition, but it's not our sole mission."

'The same reckless rollbacks'

Career EPA employees acknowledge that Pruitt's leaving wouldn't change the Trump administration's policy agenda. Those staffers are used to the policy pendulum swinging between GOP and Democratic administrators. Many have

implemented policies they might not agree with, but those actions were at least consistent with the agency's purpose and within the bounds of the law, one longtime agency staffer said.

The sense is, however, that ridding EPA of Pruitt would at least signal a commitment to good governance. EPA staffers noted that the Pruitt scandals have demoralized the agency.

"They make us take ethics training. Everything we've seen is exactly what we've been told not to do," the career EPA staffer said. "You see that in high places, and it can create rot in an agency in the long run."

Many of those scandals came to light as a result of the Boot Pruitt campaign. It has largely accomplished this by suing for the release of documents requested through the Freedom of Information Act. Environmental groups like the Sierra Club and Natural Resources Defense Council have then shared those communications with reporters who unearthed numerous potential ethical violations by Pruitt and his staff.

Those revelations have made Pruitt's departure seem almost inevitable. Conservative media figures and GOP lawmakers are now questioning his viability or calling for his resignation. That the environmental movement and personalities like Laura Ingraham or publications like the National Review desire the same goal represents somewhat of a watershed.

But those figures on opposite ends of the ideological spectrum want the same outcome for very different reasons.

For environmental groups, Pruitt has humiliated the agency and its employees by pushing policies in direct contradiction of EPA's mission while adding embarrassing, petty scandals on top of it all — and still kept his job. For his conservative opponents, he's a distraction that delegitimizes Trump's agenda of rolling back onerous environmental regulations, who could jeopardize the GOP's chances to maintain the House and Senate.

"Clearly, some of the comments coming from folks [last week] is protecting the president and his image," said Jeremy Symons, vice president of political affairs with the Environmental Defense Fund, referring to criticism from conservatives. "And it's unfortunate that those folks aren't concerned about the very real health damage from his action."

O'Grady said the force with which the public has pushed back against Pruitt might also compel his eventual successor — Wheeler or someone else — to "walk a little more lightly."

That could translate into somewhat less zealous policy, as well, said John Walke, clean air director with the NRDC. He noted that Pruitt's outsider status within environmental policy circles has lent itself to ideas that have caused political officials within his own agency, White House aides, and the Office of Information and Regulatory Affairs to bristle. Walke said Pruitt's exit would leave proposals to nix pollution rules for heavy-duty trucks and restrict the use of science the agency can use to form policy without a champion.

Walke noted that such changes between a Pruitt-led EPA and a Wheeler-led EPA are at "the very small margins." He also said Pruitt could become a "drag on Republicans" this fall. But that doesn't mean a change at the top should be avoided.

"On balance, yes, we would see the same reckless rollbacks at EPA with or without Scott Pruitt," he said. "But the country would be better served by his absence, whether you are a Republican, Democrat or independent."

The Hill

<http://thehill.com/policy/energy-environment/393201-epa-says-it-abandoned-plan-for-pruitts-hometown-office>

EPA says it abandoned plan for office in Pruitt's hometown

By Timothy Cama, 6/20/18, 9:58 AM

The Environmental Protection Agency (EPA) told lawmakers this week that it abandoned plans to establish an office for Administrator Scott Pruitt in his home town of Tulsa, Okla.

"Although the EPA staff did explore whether office space was available in Tulsa, this possibility was ultimately abandoned," Troy Lyons, the EPA's associate administrator for congressional affairs, wrote in a Tuesday letter to Rep. Eddie Bernice Johnson (D-Texas), the top Democrat on the House Science Committee.

Early on in Pruitt's tenure at the agency, and even before he was confirmed, the agency wanted to rent office space for him in Tulsa, according to Lyons' letter.

Johnson and two other high-ranking Democrats on the panel previously obtained documents showing EPA staff trying to establish the office. Johnson asked about the office in May, saying it would be an unnecessary and ethically questionable expense.

"Establishing a new EPA office in Tulsa may be personally convenient for you, but it seems ethically questionable, professionally unnecessary, and financially unjustified," Johnson and her colleagues wrote in a letter to Pruitt dated May 1.

Pruitt has been under fire in recent months for various ethics and spending scandals, centered in part around allegations that he has sought to use taxpayer resources for personal gain.

In his first few months on the job, he frequently traveled to Tulsa for business and then stayed at home for the weekend. The EPA's inspector general is investigating whether the trips were a proper use of agency funds.

Lyons also sent the Democrats a series of emails, some of which the lawmakers appeared to already have.

They show that shortly after Trump's inauguration, Ryan Jackson, who at the time was chief of staff for Sen. Jim Inhofe (R-Okla.), reached out to EPA staff asking them to research office space in Tulsa that Pruitt could use when he was home. After Pruitt was confirmed by the Senate, Jackson became his chief of staff at EPA.

"Pruitt wants to know when he goes home to Tulsa, Oklahoma, where he can work," Jackson wrote to James Blizzard, in EPA's congressional affairs office, on Jan. 30, 2017, when he was still on Inhofe's staff.

Jackson later got more specific about what Pruitt would need.

"Office for him, meeting room, lobby space but that's largely it I think," he wrote on Jan. 31, adding that he'll also need a secure compartmented information facility "in the event he is working on spill info or otherwise protected information.

"Of course when the President communicates with the Cabinet those communications are protected so we will need to be able to accommodate that," he added.

Jackson said Pruitt also would need a secure computer and phone, 24-hour access and a parking garage. He added that he wanted the space to be "consistent with previous Administrators," saying former EPA head Gina McCarthy had a similar setup in her hometown of Boston when she served during the Obama administration.

Jackson said he didn't think it was necessary to ask for a provision in EPA's annual appropriations legislation to fund the office space.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=136465390&item=408&prod=deln&cat=AGENCY
GOP Chairman Bows to Pressure, Schedules Hearing for EPA Head

By Dean Scott, 6/20/18

The chairman of the Senate environment panel bowed to pressure from Democratic and Republican critics alike June 19, agreeing to hold a congressional hearing this August on embattled EPA head Scott Pruitt.

Sen. John Barrasso (R-Wyo.), chairman of the Senate Environment and Public Works Committee, provided few details in the announcement, including the precise date of the hearing.

The Senate is traditionally in recess in August but Senate Majority Leader Mitch McConnell (R-Ky.) has vowed to keep the chamber in session through the month, in part to clear what he complains is a backlog of presidential nominations awaiting confirmation.

The hearing "will give senators the opportunity to ask important questions and hear about the work being done at the agency," Barrasso said.

Reuters

<https://www.reuters.com/article/us-usa-epa-pruitt-senate/epa-chief-to-face-senate-panel-in-august-idUSKBN1JF34Z>

EPA chief to face Senate panel in August

By Reuters Staff, 6/19/18, 5:37 PM

WASHINGTON (Reuters) - U.S. Environmental Protection Agency chief Scott Pruitt will testify before the Senate's environment committee in August, panel chairman Senator John Barrasso said on Tuesday, where he will face questions about spending and ethics controversies.

Barrasso said previously that he would call Pruitt to testify about Pruitt's spending on first class travel, use of security detail and connections with lobbyists and industry groups. But he was waiting for findings from reviews into Pruitt's ethics by the EPA inspector general and the White House. Barrasso's office said the exact date of the hearing will come later.

"The hearing will give senators the opportunity to ask important questions and hear about the work being done at the agency," Barrasso, a Wyoming Republican, said in a release.

Pruitt, who repeatedly sued the EPA when he was attorney general of oil-producing Oklahoma over regulations on the industry, last testified on the committee in January. The EPA did not immediately respond to a request for comment on the hearing.

Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/06/epa-watchdog-reports-on-pruitt-expected-before-august-hearing-barrasso-says-1447133>

EPA watchdog reports on Pruitt expected before August hearing, Barrasso says

By Alex Guillen, 6/20/18, 10:59 AM

EPA's internal watchdog is planning to finish multiple investigations into Scott Pruitt's behavior by August, before the administrator appears before the Senate Environment and Public Works Committee, Sen. John Barrasso said today.

"I understand the inspector general will have completed several reviews later this summer," the EPW chairman said at a hearing this morning on two EPA nominees. "And for that reason I have asked Administrator Pruitt to testify before us in August and we're working on the final date so we can have that as a substantive hearing because we'll actually have information from the inspector general before the administrator appears."

The inspector general's office has said it expects to complete a review of Pruitt's frequent use of first-class travel by later this summer, but has not announced deadlines for its investigations of major raises granted to close aides, Pruitt's use of security on personal trips, Pruitt's \$50-a-night condo rental deal and the \$43,000 phone booth, among other issues.

Sen. Tom Carper (D-Del.), the committee's ranking member, said he is "pleased" the Pruitt hearing is on the books. But, he added, if Obama-era EPA chief Gina McCarthy or Lisa Jackson had been accused of "even a fraction of what Administrator Pruitt's been accused of, they would be sitting at this desk week after week after week explaining what's going on at EPA and why they're doing those things."

Pruitt previously appeared before EPW in January, before many of the most scandalous allegations were reported.

The Hill

<http://thehill.com/policy/energy-environment/393090-pruitt-to-testify-to-senate-panel>

Pruitt to testify before Senate panel in August

By Timothy Cama, 6/19/18, 4:24 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt is slated to testify in August in front of the main Senate committee that oversees the agency, the panel announced Tuesday.

The committee scheduled the hearing following months of spending and ethics controversies involving Pruitt. Senate Democrats have long sought to put Pruitt in the hot seat over the scandals, and Republicans are expressing increasing concern as well.

"The hearing will give senators the opportunity to ask important questions and hear about the work being done at the agency," Sen. John Barrasso (R-Wyo.), the chairman of the Environment and Public Works Committee, said in a statement Tuesday.

Barrasso did not specify a date in August for the hearing, and the committee said it will be set later.

A handful of GOP senators on the panel — including Sens. James Inhofe (Okla.), Joni Ernst (Iowa) and Dan Sullivan (Alaska) — have pushed in recent days for Pruitt to come before the committee.

It will be Pruitt's first time at the environment committee since January and his first congressional hearing since May, which preceded a fresh wave of reports raising ethical questions surrounding the EPA chief's actions.

The reports and accusations regarding Pruitt in recent months have included that he rented a condo from a lobbyist for just \$50 for each night he spent there, spent \$43,000 on a soundproof booth for his office, spent \$3.5 million on an unprecedented security detail and had aides or security staff do personal tasks like helping his wife find a job and trying to find a used Trump International Hotel mattress.

Barrasso and other GOP senators have generally stood by Pruitt and have not called for him to resign, arguing that his policy efforts at the EPA are valuable and it would be difficult to confirm a replacement. But their concerns about the allegations against him have grown louder recently.

"I think something needs to happen to change that," Inhofe said last week on a radio show, referring to the controversies. "One of those alternatives would be for him to leave that job."

Democrats, meanwhile, have repeatedly called on Pruitt to be fired or resign due to the scandals.

"Mr. Pruitt is an embarrassment. It is a stain on our democracy that he still holds this once esteemed position," Sen. Tom Carper (Del.), the committee's top Democrat, said earlier this month.

"And it is an abject failure that so many Republicans in Congress have chosen to turn a blind eye to the seemingly endless ethical shortcomings that should have led to Mr. Pruitt's removal a long time ago."

AP

<https://apnews.com/7a45939ac1ff4be299fa9f02e06405e1/Senior-GOP-senator-defends-embattled-EPA-chief>

Senior GOP senator defends embattled EPA chief

By Ellen Knickmeyer, 6/20/18, 12:00 PM

WASHINGTON (AP) — A senior Republican senator is defending the embattled Environmental Protection Agency administrator, calling ethics allegations against Scott Pruitt "outrageous" and "lies."

Oklahoma Sen. James Inhofe's comments were some of the strongest on Pruitt's behalf by a member of Congress amid months of federal ethics investigations.

The probes are examining allegations that Pruitt misused his office to get perks for himself and his family, as well as scrutinizing his first-class travel and high security costs.

Inhofe sparred with Democratic Sen. Tom Carper of Delaware over Pruitt at a Senate committee hearing Wednesday. Carper urged that Pruitt appear quickly before the panel; a hearing has tentatively been set for August.

Inhofe says Pruitt's job required him to take premium-class trips to Morocco and Italy. He blamed the news media for Pruitt's troubles.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2018/06/20/this-gop-senator-implied-scott-pruitt-was-on-thin-ice-hes-now-back-in-the-epa-chiefs-corner/?utm_term=.80c52933c6f3

This GOP senator implied Scott Pruitt was on thin ice. He's now back in the EPA chief's corner.

By Brady Dennis and Juliet Eilperin, 6/20/18, 12:15 PM

Sen. James M. Inhofe (R-Okla.) looked up from a set of talking points he'd been reading Wednesday morning about Scott Pruitt to explain the key reason he'd invited a group of reporters to his office.

"I'm a little embarrassed I was starting to doubt him in some areas where he shouldn't have been doubted," Inhofe said of the Environmental Protection Agency administrator, a longtime friend and fellow Oklahoman.

Inhofe — one of Pruitt's staunchest allies on Capitol Hill — had said only last week that he'd "had enough" of the seemingly endless allegations of ethical conduct dogging the EPA chief, including the most recent stories by The Washington Post that Pruitt had used his official position to help his wife obtain a job. "I think something needs to happen to change that, and one of those alternatives is for him to leave that job," he told conservative talk radio show host Laura Ingraham at the time.

"I was becoming skeptical. I was getting concerned," he told the reporters in his office.

But a face-to-face meeting with Pruitt on Tuesday evening assuaged his doubts. By Wednesday morning, Inhofe had adopted Pruitt's approach of blaming his ethics quandaries on disgruntled former employees, a bloated government bureaucracy, unfair media coverage and political opponents such as liberal activist Tom Steyer and "left-wing environmentalists" who oppose Trump administration policies.

Having Inhofe stand up for him publicly offers Pruitt an important boost given his waning support within conservative circles. Still, whether the administrator keeps his Cabinet-level post depends on the continued backing of President Trump. Even Inhofe wouldn't venture a guess about whether Pruitt's job is safe.

"I don't have any idea if it is or not," he said. "We don't have the most predictable president in the history of America."

One by one, Inhofe addressed a half-dozen of the spending and ethics allegations Pruitt faces, reading from the talking points about why he now felt each was unfounded or overblown.

On the more than \$3 million that taxpayers have paid for Pruitt's round-the-clock security detail: "The difference is his predecessors never had any threats against them. None of them." (That isn't true, though officials say Pruitt has faced more threats than previous administrators.)

On the hundreds of thousands of dollars taxpayers have paid for Pruitt's first-class domestic and foreign travel: "Travel costs were in line with all the past administrators," Inhofe said. (Actually, Pruitt's travel spending has far outpaced that of his predecessors.)

On scrutiny of the \$43,000 secure phone booth installed in Pruitt's office: "The government bureaucracy, being what it is, should have made a lot better deal than they made."

Inhofe declined to address all of the allegations that have led to a flurry of federal inquiries into Pruitt's behavior and management decisions. For instance, asked specifically whether he was concerned about reports that Pruitt used his position and subordinates' time to help his wife obtain employment, Inhofe referred reporters to Pruitt's outside attorney, Cleta Mitchell.

And the senator claimed that the media has often written about the allegations without bothering to include Pruitt's side of the story. (EPA often declines to comment, and The Post, which always seeks a response, includes any explanation the agency provides.)

Overall, Inhofe said, he was satisfied with Pruitt's explanations, though he acknowledged that the EPA chief had made missteps as he found his footing in Washington. "I think there are probably times when he displayed questionable judgment, or I'm a little more cautious than he is," the lawmaker said. "I have to say this about him, though. He sure didn't know anything about Washington when he got here . . . He's had a wake-up call."

Inhofe is not the only Republican in Congress to question Pruitt's leadership, though Iowa Sens. Charles E. Grassley and Joni Ernst have largely focused on his approach to ethanol policy. On Wednesday, Grassley remarked at a Senate Agriculture Committee hearing, "Pruitt is ill-serving the president."

The American Future Fund, a conservative nonprofit group based in Iowa, launched a 30-second ad last week calling for Pruitt's resignation, describing him as a "swamp monster" who is "embarrassing President Trump." Ingraham also tweeted last week that Pruitt needed to go because his poor decisions were "hurting" Trump.

And a recent editorial in the conservative National Review argued that Pruitt "is replaceable. And he should be replaced."

As the various inquiries into his decision-making continue, Pruitt is scheduled to testify in August before the Senate Environment and Public Works Committee.

"The hearing will give senators the opportunity to ask important questions and hear about the work being done at the agency," Sen. John Barrasso (R-Wyo.), the committee's chairman, said in announcing the hearing this week.

Daily Caller

<http://dailycaller.com/2018/06/20/jim-inhofe-scott-pruitt-scandal/>

TOM STEYER AND MAD EPA EMPLOYEES ARE BEHIND SCOTT PRUITT'S SCANDALS, INHOFE SAYS

By Tim Pearce, 6/20/18

Environmental Protection Agency Administrator Scott Pruitt regained a key ally Tuesday after meeting with Oklahoma Sen. Jim Inhofe one-on-one over recent scandals reported in the media, Bloomberg reported.

Inhofe, a Republican, had expressed doubts about Pruitt's future at the EPA and suggested the administrator may need to resign last week. Pruitt has faced a wave of criticism and negative media reports that he abused his position by using agency staff to look for a job for his wife, accepted unauthorized gifts from lobbyists, spent taxpayer money on luxuries like flying first class and other scandals. (RELATED: Jim Inhofe Says Pruitt May Need To 'Leave That Job' At EPA)

Coming out of the meeting, Inhofe was convinced the allegations of unethical behavior were overblown and fueled by environmentalists, such as billionaire Tom Steyer, and EPA employees unhappy with the administrator's agenda, as well as "unprecedented threats" leveled against Pruitt that have led to increased spending on security and precautions.

Jennifer A. Dlouhy✓

@jendlouhyhc

After meeting w/ @EPAScottPruitt, Sen. @JimInhofe says his doubts about the EPA administrator have been put to rest. A disgruntled employee, Tom Steyer & "unprecedented threats" against Pruitt are behind allegations, he says. (\$)

<http://bit.ly/2ytXWuM> via @AriNatter

9:59 AM - Jun 20, 2018

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See Jennifer A. Dlouhy's other Tweets

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Inhofe's renewed support comes days after The New York Times was forced to correct a story that alleged Pruitt used his position at the EPA to help his daughter into law school, which was later proven untrue. (RELATED: NY Times Admits It 'Erroneously' Reported Info About Scott Pruitt's Daughter)

Pruitt has fielded criticism and calls for resignation from Republicans. Conservative pundit Laura Ingraham said Pruitt has "GOTTA GO" in a tweet on June 13. The conservative magazine National Review also published an article on June 13 titled "Scott Pruitt Should Go." (RELATED: National Review: 'Scott Pruitt Should Go')

Other Conservative stalwarts, such as Rush Limbaugh and Mark Levin, have defended the EPA chief and President Donald Trump has maintained that Pruitt is "doing a great job within the walls of the EPA."

"Outside, he's being attacked very viciously by the press," Trump told reporters on June 8. "And I'm not saying that he's blameless, but we'll see what happens."

Bloomberg

<https://www.bloomberg.com/news/articles/2018-06-20/pruitt-s-capitol-hill-ally-takes-back-criticism-after-meeting>

Republican Senator Takes Back Criticism of Pruitt After Meeting

By Ari Natter, 6/20/18, 12:05 PM

EPA Administrator Scott Pruitt's longtime friend and political ally on Capitol Hill is walking back his criticism of the embattled agency leader after the two met Tuesday evening.

Senator Jim Inhofe, a Republican from Pruitt's home state of Oklahoma, said he's "a little embarrassed" over telling conservative political commentator Laura Ingraham last week that the Environmental Protection Agency head may need to resign amid mounting ethics complaints.

"I was beginning to have doubts about Scott Pruitt, all these accusations, but I had to find out for myself," Inhofe said in an interview Wednesday.

Inhofe blamed some news media outlets -- he didn't name them but said they "hate" Pruitt -- for not providing the EPA's response to allegations Inhofe said came from disgruntled former agency employees he didn't identify. He also alleged that Pruitt is a target of a campaign bankrolled by billionaire political activist Tom Steyer.

Aleigha Cavalier, a spokeswoman for NextGen America, an environmental group founded by Steyer, responded in an email that Pruitt is a "national disgrace" and should resign.

Pruitt's high security costs are justified because of the "unprecedented threats" against him and his family, Inhofe said. Pruitt also repaid an intermediary for tickets to the Rose Bowl, he said.

"I'm really harboring some guilty feelings because I was sucked into the same thing the public was," Inhofe said.

Pruitt has been under scrutiny for months over matters including an arrangement to rent a bedroom in a Capitol Hill condo from a lobbyist for \$50 a night and frequent taxpayer-funded travel to his home state of Oklahoma. He's also under fire for leaning on EPA employees to run personal errands and help secure a job for his wife.

Pruitt faces more than 11 federal investigations by lawmakers, the White House and the EPA's internal watchdog involving his travel, spending, security and other matters.

President Donald Trump, who has stood by Pruitt amid months of allegations, told reporters last week that he's "not happy about certain things," though he added Pruitt's done "a fantastic job" at the EPA.

Inhofe later told reporters that Pruitt "may have displayed poor judgment," but said his lack of Washington experience was partly to blame.

Asked if he thought the EPA administrator would keep his job, Inhofe said, "We don't have the most predictable president in America. Anything could happen."

E&E Climatewire

<https://www.eenews.net/climatewire/2018/06/19/stories/1060085009>

La. attorney general urged Pruitt to speak at industry event

By Scott Waldman, 6/19/20

Louisiana Attorney General Jeff Landry (R) appealed to EPA Administrator Scott Pruitt to speak at an industry gathering last fall.

Landry reached out in September to Pruitt's then-policy aide Samantha Dravis, hoping to prod the EPA boss to speak at a chemical group's annual meeting in New Orleans.

"Just following up on a conversation we had a month or so ago," he wrote. The "Louisiana Chemical Association is having their annual meeting Oct 26&27 in NOLA at the Loew's hotel. This is a meeting of the Managers that are responsible for operation [of] the chemical facilities in Louisiana. They would like Scott to address the group either day. Can you let me know if he is still available?"

The email was signed, "Jeff Landry Attorney General."

The two Republican politicians have known each other for years and even joined forces in some lawsuits against the Obama EPA. But it's not clear why the state attorney general would offer an invitation for a private industry event.

Asked to comment about the meeting invitation, Landry lauded Pruitt's efforts to roll back rules.

"Over 52% of the refining capacity in the United States is located on the Gulf Coast. The downstream energy sector is one of the largest middle class job building industries in the country," Landry said in a statement. "This sector has been tormented by useless job killing regulations. That is until President Trump came along and appointed people like Administrator Pruitt who work to scale back regulations contributing to historic economic growth."

Pruitt and Landry have a history of advocating on behalf of the chemical industry and fighting against regulations opposed by that sector. When they were at the Republican Attorneys General Association, they jointly opposed chemical industry regulations. One of Pruitt's first actions in office was to delay stronger safety rules on chemical plants and oil refineries. Landry was one of 11 attorneys general who requested the delay from EPA.

His September request was quickly met with approval from Pruitt's top aides, who wrote that they would try to get it on his schedule, according to emails obtained by the Sierra Club under a Freedom of Information Act request.

"I believe it would be a great opportunity," Landry wrote.

Within days, Hayley Ford, EPA's deputy White House liaison, confirmed the visit.

"I'm happy to let you know that the Administrator will be available to address this group," she wrote. "He appreciates the invitation and opportunity. Who should [we] communicate with regarding details and logistics? Specifically, exact timing and agenda for the event so we can build into his schedule? Thank you and we look forward to it!"

Pruitt later flew on a first-class flight for \$2,265 to the conference, The Washington Post has reported. It has not been previously reported that Landry issued the invitation to the conference for Pruitt. In the emails, a Pruitt aide noted that the chemical association secured Pruitt a room.

Critics have accused both Pruitt and Landry of being too cozy with chemical companies. Some of Pruitt's political appointees at EPA have come directly from the American Chemistry Council, and Landry was endorsed in his attorney general bid by the Louisiana Chemical Association.

In the days before the conference, a representative for Landry invited Pruitt to have dinner with the attorney general while he was in New Orleans. Pruitt's aides declined that dinner but invited Landry to a breakfast with chemical industry representatives that EPA was organizing the next morning.

"We are organizing breakfast the morning of Fri, Oct 27 before the speaking engagement and we would be happy to have AG Landry attend if he would like," Ford wrote to one of Landry's aides. "It is more of an event, with several area CEOs and industry representatives. We don't yet have a firm location, but can share details with you as they develop this week."

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060085085/search?keyword=EPA>

EPA sends 'good neighbor' smog proposal to White House

By Sean Reilly, 6/19/18

EPA, facing a tight court-ordered deadline, has sent a proposal to the White House budget office that appears geared to addressing the remaining "good neighbor" obligations for its 2008 ground-level ozone standard.

The agency forwarded the proposed rule yesterday to the Office of Management and Budget for a standard review, according to the Reginfo.gov site. That step came less than a week after a federal judge ruled in favor of New York and Connecticut in their lawsuit charging that the agency was illegally overdue in imposing federal plans to curb upwind emissions that are allegedly making it harder for the New York City metro area to meet the 2008 ozone standard of 75 parts per billion (E&E News PM, June 13).

In the order, U.S. District Judge John Koeltl of the Southern District of New York gave EPA until June 29 to sign off on a proposal for addressing those upwind emissions from Illinois, Michigan, Pennsylvania, Virginia and West Virginia. The final version is due by Dec. 6, under Koeltl's order.

EPA press staffers did not respond to requests for confirmation this morning that the proposal sent yesterday to OMB — titled "Determination Regarding Good Neighbor Obligations for the 2008 Ozone [National Ambient Air Quality Standards]" — corresponds to what is required by Koeltl's order.

Ozone, the main ingredient in smog, is produced by the reaction of nitrogen oxides and volatile organic compounds in sunlight. In their lawsuit, filed early this year, New York and Connecticut charged that pollution wafting downwind from the five other states was undermining efforts to bring the sprawling New York City metro area into compliance with the 75 ppb threshold. That area, which includes part of Connecticut, is listed as in "moderate" nonattainment for the standard. In the ensuing legal proceedings, EPA officials did not dispute that the federal cleanup plans were statutorily supposed to have been in place by last August.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=136465409&item=408&prod=deln&cat=AGENCY

Mining Industry, States Fight Financial Requirements in Court

By Sylvia Carignan, 6/20/18

The mining industry and state governments want to ensure that the EPA's abandoned proposal for financial assurance against environmental disasters isn't resurrected, potentially costing the industry millions.

Environmental groups are asking the U.S. Court of Appeals for the District of Columbia Circuit to review the Environmental Protection Agency's decision under Administrator Scott Pruitt last December not to finalize the proposed rule. The American Iron & Steel Institute and 14 states are defending the EPA's decision in court documents filed June 15.

The institute argued in its filing that its members, including ArcelorMittal USA, ThyssenKrupp Industrial Solutions Inc., and SunCoke Energy Inc., would be "directly and profoundly affected by any reversal" of the EPA's decision.

If the proposed rule had been finalized, mining companies would have had to prove to the federal agency that they could pay for the environmental risks of their operations, whether through insurance, bonds, or guarantees. The mining industry and state governments were among the entities that convinced the EPA to back down from the rule in December (RIN:2050-AG61).

The 14 states supporting EPA's decision in the appeals court case are Alaska, Arizona, Arkansas, Colorado, Louisiana, Michigan, Montana, Nevada, New Mexico, South Carolina, South Dakota, Utah, Wisconsin, and Wyoming.

Financial Assurance Requirements

Some states have their own requirements for financial assurance. According to the states' June 18 court filings, Nevada holds nearly \$2.8 billion in financial assurance for hardrock mines, while New Mexico holds more than \$600 million.

State requirements make federal rules unnecessary, the states argued, and a federal program would risk pre-empting existing state programs.

“EPA would put at risk billions of dollars in financial responsibility already in place under state laws,” the states said in their court filings.

The agency decided Dec. 1, 2017, not to issue a rule addressing financial assurance specifically for hardrock mining operations. The rule would have cost the industry more than \$170 million annually, according to the EPA, and companies said the rule duplicates existing requirements at the state level.

Hardrock mining refers to the extraction of hard metals, such as gold, copper, iron, zinc, and lead. About 200 facilities would have been subject to the proposed rule.

Earthjustice is one of the groups asking the court to review the rule. Lisa Evans, senior counsel for Earthjustice, told Bloomberg Environment that a federal regulation for financial assurance at hardrock mining sites is important to cover cleanup costs.

“At hardrock mining site after mining site, hazardous contamination has occurred, and the cost of cleanup at these sites can be over a billion dollars at each site,” she said.

Weak Oversight

The EPA's weak oversight of companies' insurance against environmental disasters leaves them open to billions of dollars in financial risk, the agency's inspector general reported in December.

The agency accepts companies' self-insurance against environmental contamination, but it doesn't require full disclosure of possible risks and doesn't have a data system capable of validating insurance for companies facing multiple liabilities, the inspector general said. When a company is unable to pay for cleanup, the costs could fall to the EPA and the property could become a Superfund site.

Sites on the EPA's National Priorities List, also known as Superfund sites, are the most contaminated in the country. Listed sites include the Pearl Harbor Naval Complex in Hawaii, Bonita Peak Mining District in Colorado, and Portland Harbor in Oregon.

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http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=136465397&item=408&prod=deln&cat=AGENCY
States in the Dark About EPA Effort to Tackle Upwind Air Pollution (1)

By Amena H. Saiyid

The EPA is keeping mum about its plans to address emissions of smog-forming pollutants that prevent downwind states from meeting federal ozone pollution requirements.

The proposal was submitted June 18 to the White House Office of Management and Budget for interagency review before being publicly released.

The Environmental Protection Agency acknowledged in a brief summary of the proposal that it partially addressed what is known as the Clean Air Act's good neighbor provision as part of its 2016 update to the Cross-State Air Pollution Rule, an interstate emissions trading program.

The agency stopped short of saying what it plans to do in the upcoming rulemaking.

The good neighbor provision requires states to address problems with downwind pollution. EPA air officials recently told the 12 states and the District of Columbia that make up the Ozone Transport Commission that they prefer states draft their own plans to keep their pollution from affecting their neighbors, rather than grant state petitions seeking federal limits on emissions from specific power plants and other facilities.

Power plants are the largest sources of nitrogen oxides, a precursor to ozone, which causes a variety of health problems, especially for children, the elderly, and people with asthma.

The EPA didn't respond to a request for more details on the proposal, and the National Association of Clean Air Agencies also declined to comment.

Back in 2016, the EPA described its rule addressing interstate transport of power plant pollution as a cost-effective yet "partial remedy" to help downwind states meet the national ozone standard of 75 parts per billion that were set in 2008. However, the agency added, "The EPA will continue to look at the availability, cost-effectiveness, and timing of emissions reductions from other sectors for potential inclusion in a future interstate transport rule."

The cross state air pollution rule identified the states contributing one percent of pollution, and then assigned them reduction obligations based on reductions that could be made within a certain cost threshold, Janet McCabe, who served as EPA's acting assistant administrator for air and radiation during the Obama administration, told Bloomberg Environment.

"That amount of reductions was not enough to fully address the upwind obligation to certain downwind states, so we referred to it as a 'partial' solution," McCabe said. "I don't know what this rule will say, of course. It may require additional reductions from those one percent upwind states, or it may propose that further reductions aren't needed."

It is unclear whether the EPA is crafting another interstate rule to address emissions from other sources, such as automobiles and personal care products, such as aerosols, state and former EPA officials told Bloomberg Environment.

All Eyes on Proposal

"The way EPA has handled cross state air pollution in the past has been very controversial, and it may be that they are planning to change that, but we won't know until we actually see the proposal," Jeff Holmstead, former EPA assistant administrator for air and radiation under President George W. Bush who now is a partner in Bracewell LLP's Washington office.

The EPA's policy required upwind states to control power plant emissions if downwind states found themselves out of compliance by even a single percent of the national ozone standard, Holmstead said.

Alternatively, the EPA may decide that it already has addressed the good neighbor provision in 2016, and will do no more using the cost criteria it set up in the 2016 rule, Paul Miller, deputy director and chief scientist for the Northeast States for Coordinated Air Use Management (NESCAUM), told Bloomberg Environment. The group is an association of eight Northeast states.

Northeastern states are concerned about ozone-forming pollution blowing in from upwind states because monitoring shows that the greater New York City area and parts of Connecticut will be out of compliance with the 2008 as well as the 2015 ozone standards of 70 ppb.

"I am going to be interested if this is EPA's attempt to address lingering significant contributions beyond the update to the 2016 Cross-State Air Pollution rule, and particularly how they address costs to determine whether there are any highly effective controls available in those 22 states. If not, they are imposing huge costs on downwind states," Miller said.

As part of the 2016 updates, the EPA said it would work with Western states to meet the ozone standard on a case-by-case basis. Western states said the EPA needs to assist with studies to understand the influential role played by natural sources, such as wildfires, as well as long-range transport of pollutants that account for ozone exceedances.